

ASSEMBLY BILL

No. 1600

Introduced by Assembly Member Torres
(Coauthors: Senators Hernandez and Huff)

February 6, 2012

An act to amend Sections 132400, 132410, and 132450 of the Public Utilities Code, relating to the Metro Gold Line Foothill Extension Construction Authority.

LEGISLATIVE COUNSEL'S DIGEST

AB 1600, as introduced, Torres. Metro Gold Line Foothill Extension Construction Authority.

Existing law creates the Metro Gold Line Foothill Extension Construction Authority for purposes relating to the development of a light rail project extending from the City of Los Angeles to the Cities of Pasadena and Claremont, and authorizes the authority to accept grants, fees, and allocations from the state, local agencies, and private entities.

This bill would provide for the extension of the project to the City of Montclair, instead of the City of Claremont. The bill would authorize the authority to also accept grants, fees, and allocations from federal agencies, and to accept transfers of funds from federal, state, and local agencies.

Existing law creates the Los Angeles County Metropolitan Transportation Authority (LACMTA) and specifies that the LACMTA shall assume responsibility for operating the project upon dissolution of the authority.

This bill would require the LACMTA to assume responsibility for operating all completed phases of the project, and would grant it

authority to operate the portion of the project located in San Bernardino County.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 132400 of the Public Utilities Code is
2 amended to read:

3 132400. For purposes of this chapter, the following terms have
4 the following meanings:

5 (a) The “authority” is the Metro Gold Line Foothill Extension
6 Construction Authority created under this chapter, formerly known
7 as the Pasadena Metro Blue Line Construction Authority.

8 (b) The “board” is the governing board of the authority.

9 (c) The “commission” is the California Transportation
10 Commission.

11 (d) The “LACMTA” is the Los Angeles County Metropolitan
12 Transportation Authority.

13 (e) The “project” is the Los Angeles-Pasadena Foothill
14 Extension Gold Line light rail project, formerly known as the Los
15 Angeles-Pasadena Metro Blue Line, extending from Union Station
16 in the City of Los Angeles to Sierra Madre Villa Boulevard in the
17 City of Pasadena and any mass transit guideway that may be
18 planned east of Sierra Madre Villa Boulevard along the rail
19 right-of-way extending to the City of ~~Claremont~~ Montclair.

20 (f) The “extension cities” are the cities of Arcadia, Monrovia,
21 Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne,
22 Pomona, ~~and Claremont~~ Claremont, and Montclair.

23 SEC. 2. Section 132410 of the Public Utilities Code is amended
24 to read:

25 132410. (a) The authority has all of the powers necessary for
26 planning, acquiring, leasing, developing, jointly developing,
27 owning, controlling, using, jointly using, disposing of, designing,

1 procuring, and building the project, including, but not limited to,
2 all of the following:

3 (1) Acceptance of grants, fees, ~~and allocations~~ *allocations, and*
4 *transfers of funds* from ~~the federal~~, state, *and* local agencies, ~~and~~
5 *as well as* private entities.

6 (2) Acquiring, through purchase or through eminent domain
7 proceedings, any property necessary for, incidental to, or
8 convenient for, the exercise of the powers of the authority.

9 (3) Incurring indebtedness, secured by pledges of revenue
10 available for project completion.

11 (4) Contracting with public and private entities for the planning,
12 design, and construction of the project. These contracts may be
13 assigned separately or may be combined to include any or all tasks
14 necessary for completion of the project.

15 (5) Entering into cooperative or joint development agreements
16 with local governments or private entities. These agreements may
17 be entered into for the purpose of sharing costs, selling or leasing
18 land, air, or development rights, providing for the transferring of
19 passengers, making pooling arrangements, or for any other purpose
20 that is necessary for, incidental to, or convenient for the full
21 exercise of the powers granted the authority. For purposes of this
22 paragraph, “joint development” includes, but is not limited to, an
23 agreement with any person, firm, corporation, association, or
24 organization for the operation of facilities or development of
25 projects adjacent to, or physically or functionally related to, the
26 project.

27 (6) Relocation of utilities, as necessary for completion of the
28 project.

29 (b) The duties of the authority include, but are not limited to,
30 all of the following:

31 (1) Conducting the financial studies and the planning and
32 engineering necessary for completion of the project.

33 (2) (A) Adoption of an administrative code, not later than 60
34 days after establishment of the authority, for administration of the
35 authority in accordance with any applicable laws, including, but
36 not limited to, the Ralph M. Brown Act (Chapter 9 (commencing
37 with Section 54950) of Part 1 of Division 2 of Title 5 of the
38 Government Code), contracting and procurement laws, laws
39 relating to contracting goals for minority and women business

1 participation, and the Political Reform Act of 1974 (Title 9
2 (commencing with Section 81000) of the Government Code).

3 (B) (i) The administrative code adopted under subparagraph
4 (A) shall include a code of conduct for employees and board
5 members that is consistent with Sections 84308 and 87103 of the
6 Government Code and prohibits board members and staff from
7 accepting gifts valued at ten dollars (\$10) or more from contractors,
8 potential contractors, or their subcontractors.

9 (ii) The code shall require the disclosure, on the record, of the
10 proceedings by the officer of the agency who receives a
11 contribution within the preceding 24 months in an amount of more
12 than two hundred fifty dollars (\$250) from a party or participant
13 to a proceeding, and the disclosure by the party or participant.

14 (iii) The code shall provide that no officer of the agency shall
15 make, participate in making, or in any way attempt to use his or
16 her official position to influence the decision in a proceeding, as
17 described in Section 84308 of the Government Code, if the officer
18 has willfully or knowingly received a contribution in the amount
19 of more than two hundred fifty dollars (\$250) within the preceding
20 24 months from a party or his or her agent, or from any participant
21 or his or her agent if the participant has a financial interest in the
22 decision.

23 (iv) Any officer deemed ineligible to participate in a proceeding
24 due to the provisions of this code of conduct may be replaced for
25 the purposes of that proceeding by an appointee chosen by the
26 appropriate appointing authority.

27 (v) Under the code of conduct, board members shall be deemed
28 to have a financial interest in a decision within the meaning of
29 Section 87100 of the Government Code if the decision involves
30 the donor of, or intermediary or agent for a donor of, a gift or gifts
31 aggregating ten dollars (\$10) or more in value within the 12 months
32 prior to the time the decision was made.

33 (vi) Board members and alternate members shall not be
34 considered financially interested, under or for the purposes of
35 Section 1090 of the Government Code, solely by virtue of their
36 holding office with the authority and, concurrently, holding office
37 with an entity set forth in subdivision (a) of Section 132415, an
38 extension city, or both such an entity and such a city, and they may
39 participate in decisions and agreements regarding the authority,
40 any of the entities set forth in subdivision (a) of Section 132415,

1 and any of the extension cities. The participation described in this
2 clause shall not constitute a conflict of interest under or for the
3 purposes of Section 1090 of the Government Code, or an
4 incompatible employment, activity, or enterprise under or for the
5 purposes of Section 1126 of the Government Code.

6 (c) The authority shall make reasonable progress, as determined
7 by the commission, in the design and construction of the project
8 within the timetable imposed under the 1998 State Transportation
9 Improvement Program.

10 SEC. 3. Section 132450 of the Public Utilities Code is amended
11 to read:

12 ~~132450. The authority shall be dissolved upon completion of~~
13 ~~construction of the light rail project. The~~

14 *132450. (a) (1) The LACMTA shall assume responsibility*
15 *for operating all completed phases of the project upon dissolution*
16 *of the authority.*

17 *(2) The LACMTA shall have the authority to operate the portion*
18 *of the project located in San Bernardino County.*

19 *(b) The authority shall be dissolved when project construction*
20 *has been completed.*

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district are the result of a program for which legislative authority
25 was requested by that local agency or school district, within the
26 meaning of Section 17556 of the Government Code and Section
27 6 of Article XIII B of the California Constitution.